

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

WILLIAM MCGURGAN,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00140

OFFICER R. K. MARKS, et al.,

Defendants.

WILLIAM MCGURGAN,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00144

MRS. LEAH MACIA,

Defendant.

WILLIAM M. MCGURGAN,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00157

MISS LEAH MACIA,

Defendant.

MEMORANDUM OPINION AND ORDER

On February 19, 2020, in Case 2:20-cv-140, the Plaintiff filed an Application to Proceed Without Prepayment of Fees and Costs (Document 1) and a Complaint (Document 2). On February 21, 2020, in Case 2:20-cv-144, he filed an Application to Proceed Without Prepayment of Fees and Costs (Document 1) and a Complaint (Document 2). On February 28, 2020, in Case 2:20-cv-157, he filed a Complaint (Document 1). The Plaintiff is *pro se*.

By *Administrative Order* (Document 3) entered on February 20, 2020, Case 2:20-cv-140 was referred to the Honorable Omar J. Aboulhosen, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. By *Administrative Order* (Document 9) in Case 2:20-cv-144 and *Administrative Order* (Document 10) in Case 2:20-cv-157, entered on March 27, 2020, those respective cases were, likewise, referred to Magistrate Judge Aboulhosen for submission of proposed findings of fact and recommendation for disposition.

On March 31, 2020, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 8 in 2:20-cv-140; Document 10 in 2:20-cv-144; and Document 11 in 2:20-cv-157). Therein, it is recommended that this Court deny the Plaintiff's Applications to Proceed Without Prepayment of Fees and Costs, dismiss the Plaintiff's Complaints, and remove these matters from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by April 17, 2020. Neither party had filed objections as of the date of this order.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).


Therefore, the Court **ADOPTS** and incorporates herein the findings of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** as follows:

- 1) The Plaintiff's Applications to Proceed Without Prepayment of Fees and Costs (Document 1 in 2:20-cv-140; and Document 1 in 2:20-cv-144) be **DENIED**;

- 2) The Plaintiff's Complaints (Document 2 in 2:20-cv-140, Document 2 in 2:20-cv-144, and Document 1 in 2:20-cv-157), be **DISMISSED**; and
- 3) Case Nos. 2:20-cv-140, 2:20-cv-144 and 2:20-cv-157 be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, to counsel of record, and to any unrepresented party.

ENTER: April 27, 2020


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA